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In re Application of	:	DECISION
BURROUGHES et al	:	
Application No.: 09/913,381	:	
PCT No.: PCT/GB00/00476	:	ON PETITION
Int. Filing Date: 14 February 2000	:	
Priority Date: 12 February 1999	:	
Attorney's Docket No.: 29610/CDT087A	:	UNDER 37 CFR 1.47(a)
For: OPTO-ELECTRICAL DEVICES	:	

This decision is in response to applicant's "REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR §1.47(a)" filed on 21 June 2002 to accept the above-captioned application without the signature of the non-signing joint inventor- Ian S. Millard.

BACKGROUND

In a decision by this Office on 13 May 2002, the petition filed on 29 January 2002 was dismissed. The decision stated that Mr. Millard's failure to respond given that it was unclear if he had actually received the documents could not be construed as a refusal at that time. It could have been that in this situation that Mr. Millard had moved both from his last known address and from his job, and the reason for no replies.

On 13 May 2002, applicants filed the present renewed petition accompanied by an electronic mail message sent by Ann Brown to Mr. David Lacey and a message sent by Mr. Lacey in response to Ms. Brown's e-mail of October 31, 2001.

DISCUSSION

With respect to the petition, the application together with supplemental renewed petition under 37 CFR 1.47(a) have been reviewed and have been found to be in compliance with 37 CFR 1.47(a). Petition asserts that the renewed petition corroborates that the nonsigning inventor was employed at Osram's San Jose site during the relevant period and that a refusal to execute the declaration can be inferred from the nonsigning inventor's conduct. Petitioner supports this assertion by stating that an electronic message was sent by Ann Brown to Mr. David Lacey requesting an alternative contact information for Mr. Millard. And that in a response to Ms. Brown electronic mail, Mr. Lacey alluded to the possible reasons for Mr. Millard's refusal to execute the declaration (i.e., "given the way CDT treated Ian around the time he left, I am not

surprised he is reticent in returning signatures.”). The evidence of record is sufficient to establish that Mr. Ian Millard has refused to sign the declaration.

Applicants has satisfied requirements (1), (2), (3), and (4) of 37 CFR 1.47(a).

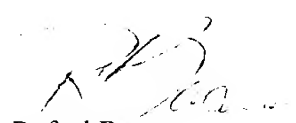
CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

A review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied. The application will be given a 35 U.S.C. 371(c) date of **29 January 2002**.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.



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20 SEP 2002

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In re Application of
BURROUGHES et al
Application No.: 09/913,381
PCT No.: PCT/GB00/00476
Int. Filing Date: 14 February 2000
Priority Date: 12 February 1999
Attorney's Docket No.: 29610/CDT087A
For: OPTO-ELECTRICAL DEVICES

Dear Mr. Millard:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Mr. Ian Millard) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/GB00/00476 and was filed on 14 February 2000 in the names of Jemery H. BURROUGHES; Julian C. CARTER; Alec G. GUNNER; Stephen K. HEEKS and Ian S. MILLARD for the invention entitled OPTO-ELECTRICAL DEVICES. The national stage application number is 09/913,381 and has a 35 U.S.C. 371 date of 29 JANUARY 2002.